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WP-49694-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA,
ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

WRIT PETITION No. 49694 of 2025

DAULAT RAM ENGINEERING SERVICES LTD. AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Ajay Gupta Senior Advocate with Shri Rajeev Mishra - Advocate for petitioner.

Shri Qasim Ali - Advocate for respondent [INT].

Shri Navtej Singh Ruprah - Advocate for respondent [caveat].

Shri Satya Prakash Mishra - Advocate for respondent No.2.

Shri Anubhav Jain - Government Advocate for respondent/State.

.....
WITH

WRIT PETITION No. 32213 of 2025

ADEEL SIDDIQUI AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Qasim Ali - Advocate for petitioners.

Shri Anubhav Jain - Govrenemtn Advoccate for respondent /State.

Shri Satya Prakash Mishra and Satya Prakash Mishra learned counsel for respondent No. 6, 7 and 8.

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ORDER

Per. Pradeep Mittal J. (Heard and reserved on : 12.08.2026.)



(Pronounced on : 31.08.2026.)

This common judgment disposes of two connected writ petitions W.P. No.49694/2025 (Daulatram Engineering Services Ltd. & Anr. v. MPPTCL & Ors.) and W.P. No. 32213/2025 (Adeel Siddiqui & Anr. v. State of Madhya Pradesh & Ors.) both of which arise out of, and impugn different facets of, the same project for the second circuit stringing of the 132 KV DCSS Mandideep Nahar Transmission Line, and raise common questions as to the scope of the power exercised under Section 164 of the Electricity Act, 2003 read with the Indian Telegraph Act, 1885. The two petitions were accordingly heard together and are decided by this common judgment, the facts of each being set out separately below.

2. W.P. No.49694/2025 assails the Notification dated 10.06.2024, published on 05.07.2024 (Annexure P/4), by which Respondent No.2/MPPTCL sanctioned the second circuit stringing of the 132 KV DCSS Mandideep Nahar Transmission Line, and also assails the consequential Order dated 30.07.2025 (Annexure P/10) passed by Respondent No.5/Collector, Raisen under Section 10 of the Indian Telegraph Act, 1885 read with Section 164 of the Electricity Act, 2003, permitting the line to be laid for supply of electricity to the new unit of Nahar Poly Films Ltd. The petitioners therein seek a writ of certiorari quashing both, together with a direction to stop construction over their premises in Village Simrai, Mandideep, and interim protection pending final disposal.

3. Petitioner No.1/Daulatram Engineering Services Ltd. owns 0.809 hectares of land (Khasra Nos.10/2/Ka/1 and 10/2/Ka/2) in Village Simrai, on



which it has run a railway components manufacturing unit since 2003. Petitioner No.2/Nasa Corporation owns 1.875 hectares in the same village (Khasra Nos.10/3/2/1 to 10/3/2/4), on which it has manufactured heat exchange equipment since 2013.

4. Of the thirteen towers sanctioned under the impugned alignment (Annexure R-2/5), only Tower Nos.7 and 8 situated 236 meters apart concern the petitioners. Tower No.8 stands on Petitioner No.2's land, while no tower is proposed on Petitioner No.1's frontage. An earlier alignment, which would have placed Tower Nos.8 and 9 on the opposite side of the road, was examined and rejected by the technical expert team of Respondent No.2 by letter dated 22.11.2024 (Annexure R/2-11), since Tower AP-8 in that alignment would have stood only 3.5 meters from an existing gas pipeline, in violation of Regulation 63(1) of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2023. It was only thereafter, in the absence of any other alternative, that the presently impugned alignment passing over the petitioners' frontage and parking areas came to be sanctioned.

5. Petitioner No.1's notice dated 20.11.2025 (Annexure P/13) proposing a further alternate route was declined, that route being found to run over residential accommodation and to breach the pipeline clearance once again. When Petitioner No.1 obstructed the work, the SDO(R), Goharganj restrained it by order dated 02.12.2025. Nahar Poly Films Ltd. then filed RCSA No.71/2025 before the civil court (its prayer for ex parte injunction being declined on 04.12.2025) and also approached this Court in



M.P. No.7143/2025, in which interim protection was granted on 10.12.2025 (Annexure R-4/2) restraining interference with the transmission corridor.

6. The present petition was filed on 17.12.2025, after the interim order of 10.12.2025. Paragraph 2 of the petition, which asks whether any proceeding on the same subject matter had previously been instituted, states "Nil". This is disputed by Respondent No.4, who relies on a photograph (Annexure R/4.3) said to show the 10.12.2025 order affixed at Petitioner No.1's factory on the very day it was passed, service having been declined.

7. Learned counsel for the petitioners submits that construction over their premises without notice or consent violates Rule 3(a) of the Works of Licensees Rules, 2006 and Regulation 63(1) of the CEA Regulations, 2023. That Section 164 cannot be invoked for a line dedicated to a private consumer, more so where the Notification names Respondent No.4/Nahar Spinning Mills but the work is in fact executed for the benefit of the distinct entity Nahar Poly Films. That the rejection of their suggested alignment was arbitrary and unreasoned. That Sections 67(2) and 176(2)(e) of the Electricity Act, 2003 are conditional, not exemptive, provisions and that the construction endangers workers by its proximity to high mast installations and cargo handling operations.

8. Respondent No.4 disputes maintainability, contending that once the powers of the Telegraph Authority stand conferred on the licensee under Section 164, any grievance touching alignment, damage or compensation lies exclusively in a suit before the District Judge under Section 16(3) of the Telegraph Act. On facts, it points out that no tower is proposed on Petitioner



No.1's land, that Petitioner No.2's shed is an abandoned structure, and that both towers fall within the 40-metre no-construction zone along National Highway-46. It submits that the alignment now suggested by the petitioners is the very one rejected on 22.11.2024, over a year before their notice, for breaching pipeline safety clearance, and relies on Power Grid Corporation of India Ltd. v. Century Textiles & Industries Ltd., (2017) 5 SCC 143 and Century Rayon Ltd. v. IVP Ltd., (2021) 20 SCC 758. It further pleads suppression of RCSA No.71/2025 and M.P. No.7143/2025, relying on K. Jayaram v. Bangalore Development Authority, (2022) 12 SCC 815.

9. Respondent No.2/MPPTCL asserts that it exercises statutory powers under Section 67 of the Electricity Act, 2003, and that the Appropriate Government has, by written order under Section 164, conferred upon it the powers of the Telegraph Authority under Sections 10, 15 and 16 of the Telegraph Act, 1885, dispensing with the need for landowner consent. It avers that nine of the thirteen sanctioned towers already stand erected, and that similar lines have been laid in the same area for Procter & Gamble, Vardhaman Yarns, Anand Spinning, HEG and Sagar Manufacturers, with ownership vesting in MPPTCL regardless of who bears the cost of construction. By additional reply dated 04.03.2026, it denies on affidavit that any Mess/Staff building, Flag Mast or Flood Lights existed as on the date of the Notification or as on 04.12.2025, and asserts that these structures were raised by Petitioner No.1 only thereafter, a position it says is borne out by the petitioners' own Annexure P-1.

10. In rejoinder, the petitioners maintain that no material has been



shown demonstrating the parameters applied in rejecting their suggested alignment. That the relationship between Nahar Poly Films and Respondent No.4 remains unclear. That the alignment, even as it stands, crosses residential plots comprised in Khasra No.10/1 (Annexure P/23) and that their cause of action arose only in November 2025, when their premises were first entered upon.

11. Part VIII of the Electricity Act, 2003 deals with "Works of Licensees". Section 67, which the petitioners themselves invoke, reads:

"67. Provision as to opening up of streets, railways, etc.-(1) A licensee may, from time to time but subject always to the terms and conditions of his licence, within his area of supply or transmission or when permitted by the terms of his licence to lay down or place electric supply lines without the area of supply, without that area carry out works such as-(a) to open and break up the soil and pavement of any street, railway or tramway; (b) to open and break up any sewer, drain or tunnel in or under any street, railway or tramway; (c) to alter the position of any line or works or pipes, other than a main sewer pipe; (d) to lay down and place electric lines, electrical plant and other works; (e) to repair, alter or remove the same; (f) to do all other acts necessary for transmission or supply of electricity. (2) The Appropriate Government may, by rules made by it in this behalf, specify,-(a) the cases and circumstances in which the consent in writing of the Appropriate Government, local authority, owner or occupier, as the case may be, shall be required for carrying out works; ... (c) the nature and period of notice to be given by the licensee before carrying out works; ... (3) A licensee shall, in



exercise of any of the powers conferred by or under this section and the rules made thereunder, cause as little damage, detriment and inconvenience as may be, and shall make full compensation for any damage, detriment or inconvenience caused by him or by anyone employed by him. (4) Where any difference or dispute [including amount of compensation under sub-section (3)] arises under this section, the matter shall be determined by the Appropriate Commission."

12. The rule-making power corresponding to Section 67(2) is found in Section 176(2)(e):

"176. Power of Central Government to make rules.-(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-...(e) the works of licensees affecting the property of owner or occupier under sub-section (2) of section 67;..."

13. Rule 3(a) of the Works of Licensees Rules, 2006, framed under this power, requires a licensee ordinarily to obtain the prior consent of the owner or occupier before carrying out works. Rule 3(4) of the same Rules, however, carves out the exception on which this case turns:

"3(4). Nothing contained in this rule shall effect the powers conferred upon any licensee under Section 164 of the Act."

14. Section 164 of the Electricity Act, 2003, which lies at the heart of the impugned action, reads:

"164. Exercise of powers of Telegraph Authority in certain cases.-The



Appropriate Government may, by order in writing, for the placing of electric lines or electrical plant for the transmission of electricity or for the purpose of telephonic or telegraphic communications necessary for the proper co-ordination of works, confer upon any public officer, licensee or any other person engaged in the business of supplying electricity under this Act, subject to such conditions and restrictions, if any, as the Appropriate Government may think fit to impose and to the provisions of the Indian Telegraph Act, 1885 (13 of 1885), any of the powers which the telegraph authority possesses under that Act with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained, by the Government or to be so established or maintained."

15. Once these powers are so conferred, the licensee steps into the shoes of the Telegraph Authority under Sections 10 and 16 of the Indian Telegraph Act, 1885, which provide:

"10. Power for telegraph authority to place and maintain telegraph lines and posts.-The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon, any immovable property: Provided that-(a) the telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the Central Government, or to be so established or maintained; (b) the Central Government shall not acquire any right other than that of user only in the property under, over, along, across, in or upon which the telegraph authority places any telegraph line or post; and (c) except as hereinafter provided, the telegraph authority shall not exercise



those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority; and (d) in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers."

"16. Exercise of powers conferred by section 10, and disputes as to compensation, in case of property other than that of a local authority.-(1) If the exercise of the powers mentioned in section 10 in respect of property referred to in clause (d) of that section is resisted or obstructed, the District Magistrate may, in his discretion, order that the telegraph authority shall be permitted to exercise them. (2) If, after the making of an order under subsection (1), any person resists the exercise of those powers, or, having control over the property, does not give all facilities for their being exercised, he shall be deemed to have committed an offence under section 188 of the Indian Penal Code, 1860 (45 of 1860). (3) If any dispute arises concerning the sufficiency of the compensation to be paid under section 10, clause (d), it shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situate, be determined by him. ..."

16. It is not disputed that the Appropriate Government has conferred these powers upon MPPTCL, and that it is in exercise of this conferment, together with the Collector's order dated 30.07.2025, that construction has



proceeded. On a plain reading of Rule 3(4), the consent requirement under Rule 3(a) simply does not survive once Section 164 stands invoked. This is precisely the position settled by the Supreme Court in Power Grid Corporation of India Ltd. v. Century Textiles & Industries Ltd., (2017) 5 SCC 143, where it was held:

"18. Another submission made was that permission of the writ petitioner was not obtained which was needed as per Rule 3 of the Rules, 2006. Rule 3(a) reads as under: '3. Licensee to carry out works.-(1) A licensee may-(a) carry out works, lay down or place any electric supply line or other works in, through, or against, any building, or on, over or under any land whereon, wherever or whereunder any electric supply-line or works has not already been lawfully laid down or placed by such licensee, with the prior consent of the owner or occupier of any building or land.'

19. In the instant case, the aforesaid Rule is not applicable in view of Section 164 of the Electricity Act, 2003, which reads as under: '164. Exercise of powers of Telegraph Authority in certain cases.-The Appropriate Government may, by order in writing, for the placing of electric lines or electrical plant for the transmission of electricity or for the purpose of telephonic or telegraphic communications necessary for the proper co-ordination of works, confer upon any public officer, licensee or any other person engaged in the business of supplying electricity under this Act, subject to such conditions and restrictions, if any, as the Appropriate Government may think fit to impose and to the provisions of the Indian Telegraph Act, 1885 (13 of 1885), any of the powers which the telegraph



authority possesses under that Act with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained, by the Government or to be so established or maintained.'

20. It is not in dispute that in exercise of powers under the aforesaid provision, the Appropriate Government has conferred the powers of Telegraph Authority vide notification dated December 24, 2003 exercisable under Indian Telegraph Act, 1885 upon the Power Grid. It may also be mentioned that a Central Transmission Utility (CTU) is a deemed licensee under the second proviso to Section 14 of the Electricity Act, 2003. Power Grid is a Central Transmission Utility and is, therefore, a deemed licensee under the Electricity Act, 2003. This coupled with the fact that Power Grid is treated as Authority under the Indian Telegraph Act, 1885, it acquires all such powers which are vested in a Telegraph Authority under the provisions of the Indian Telegraph Act, 1885 including power to eliminate any obstruction in the laying down of power transmission lines. As per the provisions of the Indian Telegraph Act, 1885, unobstructed access to lay down telegraph and/or electricity transmission lines is an imperative in the larger public interest. Electrification of villages all over the country and availability of telegraph lines are the most essential requirements for growth and development of any country, economy and the well-being/progress of the citizens. The legislature has not permitted any kind of impediment/obstruction in achieving this objective and through the scheme of the Indian Telegraph Act, 1885 empowering the licensee to lay telegraph lines, applied the same, as it is, for laying down the electricity transmission



lines. Powers of the Telegraph Authority conferred by Sections 10, 15 and 16 of the Indian Telegraph Act, 1885, stand vested in and are enjoyed by the Power Grid."

"22. As Power Grid is given the powers of Telegraph Authority, Rule 3(1) of the Rules, 2006 ceases to apply in the case of Power Grid by virtue of execution clause contained in sub-rule (4) of Rule 3 which reads as under: '3(4).-Nothing contained in this rule shall effect the powers conferred upon any licensee under Section 164 of the Act.' 23. We, thus, have no hesitation in rejecting the argument of the writ petitioner that the impugned action of the Power Grid was contrary to the provisions of the Electricity Act, 2003."

"24. We also do not find that the action of the Power Grid, in the given circumstances, by not shifting the transmission lines was arbitrary. From the facts noted above, it becomes apparent that not only it was unfeasible to change the alignment as almost entire work had already been completed by the time the writ petitioner started protesting against this move, even otherwise, the Power Grid has given sufficient explanation to point out that all relevant factors/aspects were kept in mind while laying down the impugned transmission lines. Such transmission lines had to be in straight line to the extent possible for eliminating loss of transmission. It is also explained that electricity transmission is usually laid or crossed over agricultural land where minimum extent of land gets utilised for erecting towers and where agricultural activities are not prejudiced/obstructed in any manner. The purpose is to avoid buildings, religious places, ponds etc. while laying down these transmission lines. It is only when it becomes inevitable



that towers are placed on the private lines to the minimum and least extent possible. That is what was tried to achieve in the instant case."

17. The parallel with the present case is close. Respondent No.2's material, undislodged by anything specific in the rejoinder, shows that the alignment now impugned was arrived at only after the technically preferable alternative precisely the route later urged by the petitioners was found, on spot survey, to breach the pipeline clearance mandated by Regulation 63(1) of the CEA Regulations, 2023, the very Regulation the petitioners invoke in their own support. This rejection, dated 22.11.2024 and evidenced by Annexure R/2-11, precedes the petitioners' own notice by nearly twelve months, so that it cannot be dismissed as an afterthought devised for this litigation. Three considerations, each sufficient on its own, sustain the decision to reject the petitioners' suggested alignment. On the legal plane, once Section 164 dispenses with landowner consent, no landowner may insist upon an alignment that simply avoids his own land; the remedy that survives is compensation under Section 10(d) read with Section 16(3) of the Telegraph Act, which the petitioners have not claimed, and their own suggested alternative is, on their own Annexure P/23, shown to cross Khasra No.10/1, now a residential colony with individual plot-holders who are not before this Court. On the technical plane, a safety regulation designed to keep a high-tension line clear of a gas pipeline cannot be treated as a mere formality to be brushed aside. And on the plane of public interest, the project supports an industrial investment of Rs.417.96 Crores extended special facilities by the State Government, nine of the thirteen sanctioned towers



already stand erected, and the legislative policy against injunctive interference with substantially completed infrastructure reflected, though not directly applicable here, in Section 20-A of the Specific Relief Act, 1963 offers a useful guide to how discretion under Article 226 ought to be exercised in such circumstances. Applying the ratio of Power Grid Corporation (supra), we find no illegality, and certainly no arbitrariness, in Respondent No.2 declining the petitioners' suggested alternative and adopting instead the least intrusive alignment reasonably available on the ground.

18. The petitioners' further submission, that Section 164 may be invoked only for works benefiting the public at large and not for a line dedicated to a single private consumer, was considered and rejected by the Supreme Court in *Century Rayon Ltd. v. IVP Ltd.*, (2021) 20 SCC 758:

"8. Counsel for the first respondent had submitted that the ratio of the aforesaid decision is not applicable as the electricity transmission line in the present case is for the benefit of the appellant and not for the public at large. This is factually disputed by the appellant. The MSETCL in its affidavit has stated that the installation of transmission lines for the generation of High Voltage Electricity is a policy decision of the Government and for the public benefit at large. The service line even if is in the nature of 'Dedicated Distribution Facilities' has no exclusivity and the MSETCL would be entitled to tap the said service line for providing electricity to other consumers. This factual aspect would be a subject matter of the trial. It would not be appropriate at this stage to disregard the statement made by the MSETCL to



stall the setting up and activation of the electricity transmission lines."

19. That reasoning applies equally here. Respondent No.2's affidavit that ownership and maintenance of the line vest in it, and that the line remains available to be tapped for other consumers as has been done for the Procter & Gamble, Vardhaman Yarns, Anand Spinning, HEG and Sagar Manufacturers lines in the same locality has not been dislodged. A line that, in the first instance, augments supply to one industrial consumer does not thereby lose its statutory and public character, and the alignment decision, being a bona fide technical exercise in engineering judgment, is not one this Court should second-guess on its own view of the merits.

20. The petitioners have made specific factual assertions that a Mess/Staff building, a National Flag Mast, Flood Lights and a cargo dispatch area exist under the sanctioned alignment, and that Petitioner No.2's shed stands much closer to Tower No.8 than Respondent No.4 admits. These assertions are squarely controverted by Respondent No.2 on affidavit, a position said to be corroborated by the petitioners' own photograph at Annexure P-1, which shows the frontage as vacant. Such sharply conflicting claims about the existence, height and date of erection of physical structures are disputed questions of fact that cannot be resolved on affidavits under Article 226. We therefore decline to enter upon this terrain, express no opinion on which version is correct, and leave it open to the petitioners to raise these questions before the civil court already seized of the matter, or by way of a claim for compensation under Section 16(3) of the Telegraph Act.

21. It is well settled that a petitioner invoking the extraordinary,



equitable and discretionary jurisdiction under Article 226 must come to Court with clean hands and disclose the pendency of any connected proceeding touching the same subject matter. This principle was reiterated by the Supreme Court in K. Jayaram v. Bangalore Development Authority, (2022) 12 SCC 815, where the Court approved and applied what had earlier been held in K.D. Sharma v. Steel Authority of India Ltd., (2008) 12 SCC 481:

"The jurisdiction of the Supreme Court under Article 32 and of the High Court under Article 226 of the Constitution is extraordinary, equitable and discretionary. Prerogative writs mentioned therein are issued for doing substantial justice. It is, therefore, of utmost necessity that the petitioner approaching the writ court must come with clean hands, put forward all the facts before the court without concealing or suppressing anything and seek an appropriate relief. If there is no candid disclosure of relevant and material facts or the petitioner is guilty of misleading the court, his petition may be dismissed at the threshold without considering the merits of the claim."

22. Tested against this standard, the non disclosure in the present case cannot be treated as an innocent omission. By 17.12.2025, the date this petition was filed, RCSA No.71/2025 and M.P. No.7143/2025 already stood instituted before this Court, and the interim order dated 10.12.2025 passed in M.P. No.7143/2025 restraining interference with the very corridor now in issue already stood affixed at Petitioner No.1's own factory gate, service having been declined. A party that has itself refused service of an order at its factory gate cannot credibly plead ignorance of that order days later. The



"Nil" declaration in paragraph 2 of the petition, in these circumstances, attracts the principle in K. Jayaram (supra) and, by itself, would justify refusing discretionary relief.

23. The petition also suffers from unexplained delay and laches. The Notification is dated 10.06.2024, published 05.07.2024 the Collector's permission is dated 30.07.2025, yet the present petition, assailing both, was filed only on 17.12.2025 more than seventeen months after the Notification, and after nine of the thirteen sanctioned towers already stood erected. The plea that the cause of action arose only in November 2025 does not account for this delay, since the Notification was a matter of public record from July 2024 onward, and the intervening approvals of 16.01.2025, 20.03.2025 and 21.03.2025 were equally within the reach of a diligent landowner. This delay is weighed as a further, independent ground against the grant of relief.

24. It is evident that the 132 kV electricity line between Tower Nos.7 and 8 will run at a height of 20 metres from the ground. Tower No.8 is erected on the land of Petitioner No.2, and Tower No.7 is much farther away from the land of Petitioner No.1, no tower is proposed to be erected or installed on the land of Petitioner No.1. From this very area, there already exists another 11 kV transmission line passing through the properties of the petitioners at a height of 11-12 metres, and there has been no objection whatsoever by any of the petitioners to that 11 kV transmission line. Both Tower Nos.7 and 8 are well within the distance of 40 metres from the centre of the road, to be precise, both these towers are at a distance of 35 metres from the centre of the road. The land of Petitioner No.2 is totally barren, and



wild shrubs and grass grow thereon. It is clear that the front portion of the property of Petitioner No.1 is being used only for parking of vehicles, and no construction exists in the front portion of the property of Petitioner No.1 even up to 04.12.2025. The answering respondent has made it absolutely clear that the present route of the transmission line is the best route with the least damage to the properties of others. The alignment of high tension transmission lines and the erection of transmission towers are matters involving detailed technical evaluation, safety parameters and engineering considerations undertaken by the competent statutory authorities and domain experts, and this Court may not be inclined to substitute its own assessment for that of the specialised authorities in matters of technical expertise.

25. The petitioner has orally given another proposal for the installation of 132 kV line poles Nos.7 and 8. According to the said proposal, the line could be laid underground within his premises. If the line is laid underground, the petitioner's premises would remain safe from the high tension 132 kV line, which would otherwise pass above the main gate of the petitioner's factory.

26. Respondent No.2, however, does not consider it safe or feasible to lay the line underground. It has been stated that such an arrangement would be highly unsafe. However, if the height of the high tension line is maintained at 20 metres above the ground level, there would be no obstruction to vehicles entering the factory.

27. The decision of the Commission regarding the site plan for the installation of the electric line is final in accordance with the applicable rules



and statutory provisions. The scope of judicial scrutiny under Article 226 of the Constitution is very limited. No arbitrariness has been found in the impugned decision or notification.

28. For the reasons stated above, with regard to W.P. No.49694/2025, we hold as follows. The exercise of power under Section 164 of the Electricity Act, 2003 read with Sections 10 and 16 of the Indian Telegraph Act, 1885, and the Collector's Order dated 30.07.2025, are not vitiated by the absence of the petitioners' consent, Rule 3(a) of the Works of Licensees Rules, 2006 standing excluded by Rule 3(4) thereof, in terms of Power Grid Corporation (supra). The rejection of the petitioners' alternate alignment is sustained on the legal, technical and public interest grounds discussed in paragraph 16. The character of the line is not altered merely because it presently serves one industrial consumer, in terms of Century Rayon (supra). The disputed factual assertions regarding existing structures are not amenable to adjudication in this jurisdiction. And the petitioners' non-disclosure of connected proceedings, together with their delay in approaching this Court, independently and cumulatively justify the refusal of relief. W.P. No.49694/2025, being devoid of merit, is accordingly liable to be dismissed.

29. We turn to the connected W.P. No. 32213/2025, filed by Adeel Siddiqui and Nadir Siddiqui. The petitioners, together with their sisters Smt. Mehwish Siddiqui and Ms. Mehreen Siddiqui, are joint owners of Khasra No.115/3(S), admeasuring 0.809 hectares, situate on NH 46 in Village Simrai, Mandideep, on which they presently run a marriage garden and



propose in future to establish a school. Their grievance is that this khasra has been wrongly drawn into the same sanctioned project the second circuit stringing of the 132 KV DCSS Mandideep Nahar Line under Notification dated 05.07.2024 (Annexure P/4) by the private survey agency, K.D.B.I.L. (Kailesh Dev Build India) Pvt. Ltd., engaged for ground survey. They point out that the Tehsildar's own communications listing the khasras through which the line was to pass (Annexures P-9 and P-10) do not mention Khasra No.115/3, and that it appears for the first time only in the survey agency's field report (Annexures P-11 and P-12) and in the subsequent order dated 23.05.2025 of the Tehsildar, Goharganj (Annexure P-18). Aggrieved, Petitioner No.1 made representations to the SDM and Tehsildar, Goharganj, the Naib Tehsildar, Sub Tehsil Obedullaganj, and the Collector, Raisen, all on or about 23.05.2025 (Annexures P-19 to P-22), none of which elicited any response. The petitioners accordingly pray for a mandamus excluding Khasra No.115/3 from the installation plan, a prohibition restraining erection of the line or tower over their land, a direction for compensation, and interim protection meanwhile.

30. This petition, too, concerns the very project whose sanction under Section 164 of the Electricity Act, 2003 read with Sections 10 and 16 of the Indian Telegraph Act, 1885 has been upheld above, and is subject to the same statutory scheme. Once these powers stand validly conferred and invoked, neither prior consent nor a pre decisional hearing is a precondition to the exercise of the power to survey and align the line, for the reasons already discussed with reference to Power Grid Corporation (supra), the



absence of notice to the petitioners before the field survey conducted by the licensee's agency does not, without more, vitiate the process. Whether Khasra No.115/3 in fact falls within the alignment finally sanctioned for the second circuit, and whether its inclusion in the survey agency's report was accurate, are matters of record and field verification for the licensee and the revenue authorities in the first instance, and, to the extent they remain in genuine dispute, are questions of fact not amenable to adjudication in writ jurisdiction, the remedy, if the petitioners' land is in fact taken up for the line, lies in compensation under Section 10(d) read with Section 16(3) of the Telegraph Act, precisely the relief the petitioners themselves seek in the alternative. No illegality is shown in the exercise of the statutory power itself, nor is any mala fide or extraneous consideration made out against the survey or its inclusion of the petitioners' khasra. W.P. No. 32213/2025 is, for these reasons, equally devoid of merit.

31. In the result, both W.P. No.49694/2025 and W.P. No. 32213/2025 are dismissed. It shall, however, be open to the petitioners in each petition to pursue such remedy by way of compensation as may be available to them under Section 16(3) of the Indian Telegraph Act, 1885, or otherwise in accordance with law, before the appropriate forum, including on the question of whether and to what extent their respective lands are in fact affected by the sanctioned alignment. Any observations made in this judgment on disputed questions of fact shall not come in the way of such proceedings, which shall be decided independently and on their own merits.

32. Both the petitions are dismissed with costs. Each of the



petitioners, namely, the petitioner in W.P. No.49694/2025 and the petitioner in W.P. No.32213/2025, shall pay costs of Rs.1,00,000/- (Rupees One Lakh only) each to respondent Nahar Poly Films Ltd. Thus, a total cost of Rs.2,00,000/- (Rupees Two Lakhs only) is imposed upon the petitioners. The respondents have suffered losses on account of the filing of the writ petitions without merit and the grant of interim protection against the construction of the 132 KV electric line. Interim application(s), if any, pending in either petition stand disposed of accordingly.

(VIVEK RUSIA)
ACTING CHIEF JUSTICE

(PRADEEP MITTAL)
JUDGE

Praveen